

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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ZONEPERFECT NUTRITION COMPANY,	:	CIVIL ACTION NO. 04-10760
Plaintiff and Counterclaim-Defendant,	:	(RGS)
	:	
V.	:	
	:	
HERSHEY FOODS CORPORATION, HERSHEY	:	
CHOCOLATE & CONFECTIONERY	:	
CORPORATION, BARRY D. SEARS and ZONE	:	
LABS, INC.,	:	
Defendants and Counterclaim-Plaintiffs.	:	
	:	

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STIPULATION OF PARTIAL DISMISSAL WITH PREJUDICE
AS BETWEEN PLAINTIFF AND THE HERSHEY DEFENDANTS

Plaintiff-Counterclaim-Defendant ZonePerfect Nutrition Company and
Defendants-Counterclaim-Plaintiffs Hershey Foods Corporation and Hershey Chocolate
& Confectionery Corporation, by their undersigned counsel, hereby stipulate that the
within action and counterclaims between them, including the Complaint as against
Hershey Foods Corporation and Hershey Chocolate & Confectionery Corporation, and all
Counterclaims asserted by Hershey Foods Corporation and Hershey Chocolate &
Confectionery Corporation against ZonePerfect Nutrition Company, be, and hereby are,
dismissed with prejudice, each party to bear its own costs and attorneys' fees.

Dated: September 12, 2005

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.

Bingham McCutchen, LLP

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Plaintiffs Hershey Foods Corporation and
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Corporation*

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